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COMMITTEE ON THE RIGHTS OF THE CHILD

Seventeenth session

SUMMARY RECORD (PARTIAL)* OF THE 445th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 19 January 1998, at 10 a.m.

Chairperson: Miss MASON

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OTHER MATTERS (continued)

* No summary record was prepared for the rest of the meeting.

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GE.98-15095 (E)

The meeting was called to order at 10.10 a.m.

OTHER MATTERS (agenda item 8) (continued)

Follow-up to the general discussion on the rights of children with disabilities

1. At the invitation of the Chairperson, Ms. Lansdown (Children's Rights Office (United Kingdom)) took a place at the Committee table.

2. The CHAIRPERSON said that, at its sixteenth session, the Committee had decided that the follow-up to the day of general discussion on the rights of children with disabilities would be considered at its current session, and that the mandate, composition and activities of the proposed working group on the issue would be specifically addressed. The idea for the theme of the discussion had originally come from the Children's Rights Office (United Kingdom), the Director of which, Ms. Lansdown, had acted as Rapporteur for the discussion day. She invited Ms. Lansdown to present a working paper containing her thoughts on the role of the proposed working group.

3. Ms. LANSDOWN (Children's Rights Office (United Kingdom)) said that her paper focused on the three issues of the membership of the proposed working group, its mandate, and concrete proposals for action arising out of the recommendations formulated at the discussion day.

4. On membership, in addition to members of the Committee, other key players would be representatives of Disabled People's International (DPI), Inclusion International and International Save the Children Alliance. There should also be close working links with the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), and possibly with other international agencies. The Committee should also work with the Special Rapporteur of the Commission for Social Development on Disability, Mr. Bengt Lindqvist, and his panel of experts. Ideally, Mr. Lindqvist himself should participate in the working group but, if he was unable to do so, representation of the panel of experts would establish a useful link between the Special Rapporteur and the Committee.

5. There was also a costs issue, as DPI and Inclusion International would need assistance with funding if they were to attend meetings. Possible sources of funding to support their involvement would thus have to be identified.

6. Mrs. MBOI said that the World Health Organization (WHO) should also be represented in the working group. She also noted that there was no reference to the prevention of disability in the 14 recommendations formulated on the basis of the discussion day and included in the Committee's report on its sixteenth session (CRC/C/69, para. 338). Prevention was much less costly than cure and rehabilitation. Moreover, all children had a right to be protected against disability. Prevention should thus be included in the working group's mandate.

7. Mrs. PALME said that, while UNICEF was doing a great deal of work throughout the world on prevention of disability, more emphasis needed to be placed on the right to social inclusion. As for membership, the working group should be a small-scale body and, since the many organizations active in the field of disability worked in close partnership, the views of all of them could be represented by a small number of members of the working group.

8. Mrs. SARDENBERG said that the follow-up to days of general discussion had often been a problem area for the Committee. Disability was a crucial area, in which effective follow-up was essential. As a large working group would be unwieldy, one solution would be to set up subgroups on issues such as prevention. In addition to UNICEF, UNESCO and WHO, the United Nations Development Programme (UNDP) should also, perhaps, be involved. She would also like to know how interaction between the working group and the Committee as a whole would be ensured, so as to provide input and render it possible to evaluate the situation in States parties as their periodic reports became available.

9. Mrs. MBOI said that the working group should consist of between 5 and 10 members. The International Labour Organization (ILO) should also be included among the organizations in its resource pool, to represent the interests of working disabled children. It would also be of great value if a disabled child could be a member of the working group, or at any rate involved in its resource pool.

10. The CHAIRPERSON said that, while that proposal merited consideration, ways of funding attendance by the child and his or her parents would then have to be found.

11. Mr. KOLOSOV said that participation by a disabled child in the working group would serve no useful purpose other than to publicize the issue. It would not be reasonable to expect a child with disabilities to make the journey to Geneva on five or six occasions over a period of 18 months or two years. In short, the proposal was not a good one.

12. He was also critical of Ms. Lansdown's proposal that an expert be invited to draft a General Comment on disabled children for consideration by the Committee. It was for the Committee itself, and not an expert, to draft such a General Comment.

13. The right most closely related to the issue of disability was the right to life, survival and development. Technological and environmental changes led to an increased incidence of disability. Preventive action was thus an even more important aspect of the question than social inclusion. The issue was a macroeconomic one and, if the World Bank and International Monetary Fund (IMF) could be prevailed upon to recognize that fact, they might perhaps provide funding for the working group's deliberations.

14. Finally, he sought clarification of two important issues. The first related to the legal status of the working group. If it was to be an independent non-governmental body, there was no need for the Committee to take any decision regarding its composition and programme of work; it had only to

take note of the working group's existence and decide whether it wished to send a few of its members - no more than two - to attend the group's meetings.

15. Secondly, he was not sure how a body bringing together representatives of non-governmental organizations (NGOs) and of official intergovernmental organizations would operate. He wondered whether the executive heads of the specialized agencies were empowered to authorize the involvement of secretariat officials in such a body or whether a decision by their governing bodies would be needed.

16. Mrs. MBOI said that she had originally proposed the establishment of a small core team able to communicate via electronic mail as the best way of ensuring that Governments, NGOs and other interested parties would have access to the valuable ideas that had emerged in the course of the discussion day. As for her suggestion that the working group should include a child among its members, participation by a child of 16 or 17 years of age seemed perfectly feasible. The Committee should listen to disabled children, rather than confine itself to a prescriptive role.

17. Mrs. SARDENBERG said that the decision to establish a working group had been taken by the Committee by consensus, and there was thus no problem regarding its status. It would be an independent body, working on the Committee's decisions and broadening their scope in an informal relationship from which each stood to gain. It would be able to invite representatives of the specialized agencies to participate in its meetings. She had some doubts concerning the proposal that a child should be a member of the working group. As a compromise solution, it might be possible to invite children from a variety of backgrounds to participate in its meetings on an ad hoc basis.

18. Mrs. KARP said that the experience of the Committee vis-à-vis the Working Group on the Child and the Media, which it had established and which had formerly been chaired by one of its members, was relevant. If a working group on disabled children was to produce useful results, its membership would have to include at least one or two members of the Committee and its mandate should be the formulation of concrete proposals to facilitate the work of the Committee.

19. The working group should not invite one or two disabled children to participate in the deliberations but should attempt to assess the needs and views of a wide range of disabled children. The group might also consider establishing, with the cooperation of NGOs, a global network for disabled children which would allow them to contribute to the international and national efforts on their behalf.

20. Mrs. OUEDRAOGO said it was essential to determine the role of the working group vis-à-vis the Committee; whether it would be dependent on the Committee or autonomous, and in what way the Committee's partners would participate. The membership should not exceed 5 to 10 persons; the inclusion of representatives of all concerned organizations would not be practical. The participation of certain organizations in the working group also depended on the availability of resources; the Committee was not in a position to provide any funds. The participation of disabled children would not be useful unless such children had some relevant experience to share.

21. Mrs. PALME said that both the role and the financial status of the working group must be clearly determined from the outset. A small group could be asked to assess rapidly the recommendations of the day of general discussion and formulate proposals for its follow-up. It would be worth evaluating the strategies undertaken by the World Congress against Commercial Sexual Exploitation of Children, which had focused worldwide attention on another aspect of children's rights. Such large-scale international efforts were, however, very costly.

22. Mr. FULCI said that the Committee must take care not to overextend itself; all its members already had their hands full. Since there were many categories of children needing attention, he was not sure that the Committee should single out one of them. Moreover, although the Committee's mandate specified that it should work in cooperation with NGOs, he wondered whether there was a precedent, within the United Nations system, for creating a hybrid body whose membership would include such organizations. In any case, the Committee would have to seek funds from private sources for such a working group. He strongly supported, however, the recommendation that the Committee should request Governments to pay careful attention to the treatment of disabled children.

23. Mrs. MEGI said that some clarification of the role and mandate of the Working Group on the Child and the Media would be helpful. The Committee should not contemplate setting up a permanent working group. It should simply request a small group to assess promptly the recommendations that had emerged from the discussion on the rights of disabled children and to formulate practical suggestions for use by the Committee, Governments and NGOs. The working group could communicate by electronic mail. The participation of at least one or two members of the Committee was essential if the proposals were to be useful to its work. It should be borne in mind, moreover, that practical measures on behalf of children could be conducted only at the country level.

24. Mr. DAVID (Office of the High Commissioner for Human Rights) said that the participants in the day of general discussion on the child and the media had decided to establish a working group to implement the recommendations that had emerged from their deliberations. The group was to be informal, independent and flexible, and should not meet too frequently. The first meeting had been arranged by the Office of the High Commissioner for Human Rights and had been hosted by UNESCO.

25. Mr. Hammarberg, formerly of the Committee, had chaired the meeting, in which about 20 persons had participated, including representatives of 12 organizations, among them the Office of the High Commissioner for Human Rights, UNESCO, ILO, UNICEF, the United Nations Department of Public Information (UNDPI), various NGOs, and several independent experts.

26. The working group had made several recommendations: it had decided that the participation of children in media projects should be assessed, and several participants had undertaken to compile information on child-related media practices at the national level; and it had determined that the human

rights reporting handbook for journalists, a project of the Office of the High Commissioner for Human Rights and the International Federation of Journalists, should strengthen its section on children's rights.

27. It had also accepted an offer by the Government of Norway to host an international meeting at Oslo concerning the subject of children and the media, in which Governments, NGOs and experts would participate, and had agreed to function as an advisory group for that meeting.

28. The CHAIRPERSON said that the most important issue before the Committee was what kind of support it should extend to the proposed working group on disabled children. In that context, the status of the group had first to be determined. It would probably operate on the basis of the same parameters as the Working Group on the Child and the Media except in terms of leadership, which could not be assured by the Committee on account of its heavy workload. It might be appropriate to suggest that some other body should take on the chairmanship or leadership, reserving a seat for a member of the Committee. The mandate of the working group would be limited in time and a small group would probably be more effective because of the relative ease of discussion and communication. The question of resources and funding was crucial, but donors came forward willingly where a cause was demonstrably worthy of support.

29. The Committee had consistently emphasized the importance of involving children in activities affecting them but no practical form of participation had yet been devised which was not suggestive of tokenism or placing children on display. It was a subject that called for further discussion.

30. Ms. LANSDOWN (Children's Rights Office (United Kingdom)) said she agreed that it was important for the working group to be small and have a focused agenda. In the light of the recommendations, she felt that its work would not be particularly onerous. The working group must maintain a link with the Committee for the purposes of feedback and because many of the recommendations related to the Committee's work. The primary aim should be to mobilize resources and expertise for each of the tasks set out in the recommendations, it being understood that the group itself would not actually be involved in implementation.

31. Mrs. PALME said that the Committee should benefit directly and rapidly from the proceedings of the working group, which it fully supported. She wondered whether it would be possible to enlist the services of the Norwegian and Netherlands Governments, which had been very much involved in addressing the issue of child labour, or the Swedish Government, which had taken up the issue of the sexual exploitation of children.

32. Mr. KOLOSOV said that the decision to set up a working group had been taken by the participants in the general discussion day and not by the Committee. Its establishment did not, therefore, require any formal endorsement by the Committee. It would be appropriate, however, to take note of, and perhaps welcome, its establishment in the report on the session.

33. A member of the Committee might participate in the proceedings of the working group in an individual capacity rather than as an official

representative of the Committee. If he were entrusted with the task, he would consult other Committee members before attending meetings of the working group in order to represent their views properly.

34. It would be extremely difficult to provide for child participation on an equitable basis. An alternative approach would be to circulate a questionnaire among children with disabilities and to summarize and analyse their replies. He was not in favour of involving children in the proceedings of the working group simply for the benefit of the media or to set a good example to others.

35. Mrs. SARDENBERG said she agreed that the Committee should merely take note of the establishment of the working group. It should, however, take a close interest in the proceedings, even if the designated member attended in a personal capacity only. Every issue that came within the scope of the Convention would tend to grow and assume a life of its own, and the Committee, as the focal point for implementation of the Convention, had a duty to support the development of such activities by maintaining at least informal links with the bodies concerned.

36. It would perhaps be appropriate, therefore, in connection with the next general discussion to separate the conclusions of the meeting from the recommendations which the Committee adopted by consensus and included in its report.

37. Mrs. MBOI said she was in favour of a small, independent and informal working group which would not be led by the Committee but would certainly be attended by one of its members.

38. She was surprised by the negative reaction to the idea of child participation. The Committee should not be defeatist but seek ways of acting on its own principles.

39. The CHAIRPERSON said that the presence of disabled children had brought a measure of reality into the proceedings of the day of general discussion. The Committee must learn how to handle that delicate issue which must be carefully thought through, as Mrs. Karp had said.

40. Mrs. KARP suggested that the member of the Committee who attended the proceedings of the working group should report on its specific recommendations so as to make the Committee aware of any follow-up action that might be expected of it. For example, a specific study might be recommended or the appointment of a special rapporteur.

41. She certainly had no intention of belittling the importance of child participation and, indeed, it was to enhance their participation that she had recommended the establishment of a network of children with disabilities.

42. In response to a question by the CHAIRPERSON, Ms. LANSDOWN (Children's Rights Office (United Kingdom)) said she thought that an NGO such as International Save the Children Alliance or Disabled People's International

would be best placed to assume the leadership of the working group. Alternatively, one of the United Nations bodies could be asked to assume responsibility for coordinating the meetings.

43. Mrs. PALME suggested that the Special Rapporteur of the Commission for Social Development on Disability might act as chairman, if such an office was consistent with his mandate.

44. The CHAIRPERSON said that the Committee would appreciate the assistance of Ms. Hansdown in exploring all possibilities with regard to the membership and leadership of the working group. Many entities and individuals had expressed an interest in participating and some might feel hurt if they were passed over. At least one member of the Committee would be interested in attending the proceedings.

45. She drew attention to those recommendations adopted at the end of the discussion day which were particularly relevant to the Committee's mandate, namely, that the Committee should highlight the situation of disabled children when examining States parties' reports and should consider the possibility of drafting a general comment on disabled children, and that the bodies which provided information to the Committee during the reporting process should include up-to-date and accurate data on the rights of children with disabilities.

The discussion covered in the summary record ended at 11.55 a.m.